

REMARK/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments to the claims and the following comments.

In the Office Action mailed February 10, 2006, claims 1-41, 48-57, 61, and 62 were examined and rejected as follows:

- Claims 51, 52, 56, and 57 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.
- Claims 1-22, 24-38, 40, 41, 48, 49, 51, 53, 54, 56, 61, and 62 were rejected under 35 U.S.C. § 103(a), as allegedly obvious over U.S. Patent Appl. Publ. No. 2001/0031669 to Ohama (the "Ohama publication"), in view of U.S. Patent No. 6,561,926 to Hayashi et al. (the "Hayashi patent").
- Claims 23 and 39 were rejected under 35 U.S.C. § 103(a), as allegedly obvious over the Ohama publication in view of the Hayashi patent and further in view of U.S. Patent Appl. Publ. No. 2001/0000506 to Sullivan (the "Sullivan publication").

Applicants note with appreciation that claims 50 and 55 were acknowledged to be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

By this Amendment, Applicants have amended claims 51, 52, 56, and 57, to overcome the rejection under 35 U.S.C. § 112. Applicants also have canceled claims 61 and 62, without prejudice, and have added new claims 63 and 64. Fifty one claims are presented for reconsideration, including independent claim 1 and its dependent claims 2-24, 48, 50-52, and 63; independent claim 25 and its dependent claims 26-40, 53, 55-57 and 64; and independent claim 41.

The Rejection of Claims Under 35 U.S.C. § 112, First Paragraph

As mentioned above, claims 51, 52, 56, and 57 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner asserted as follows:

“Claims 51 and 56, the specification does not support ‘mixtures thereof’ for the peroxides/crosslinkers. Claims 52 and 57, the specification does not support a combination of peroxides.”

Applicants disagree with the Examiner’s assertions. Nevertheless, Applicants have now amended claims 51, 52, 56, and 57 to eliminate the language giving rise to this rejection. Specifically, claims 51 and 56 have been amended to delete the phrase “and mixtures thereof,” and claims 52 and 56 have been amended to delete the second of the two recited cross-linking agents. All four of these claims also have been amended to correct an inadvertent typographical error in identifying the cross-linking agent 2,5-dimethyl-2,5-di-(t-butylperoxy)hexyne-3.

In view of these amendments, the § 112 rejection of claims 51, 52, 56, and 57 should now be withdrawn.

The Rejection of Claims Under 35 U.S.C. § 103(a)

As mentioned above, claims 1-41, 48, 49, 51, 53, 54, 56, 61, and 62 were rejected under 35 U.S.C. § 103(a), as allegedly obvious over the Ohama publication in view of the Hayashi patent and, in the case of claims 23 and 39, further in view of the Sullivan publication. Claims 50, 52, 55, and 57 were not rejected under § 103(a).

By this Amendment, Applicants have canceled claims 61 and 62, but they respectfully traverse the rejections of the remaining claims.

In her comments supporting the rejection of independent claims 1, 25, and 41, the Examiner asserted that the Ohama publication discloses all of features recited in these claims, including the use of pentachlorothiophenol (an organic sulfur compound) as a peptizer, but she acknowledged that the publication fails to disclose “specific types such as metal salts or nonmetal salts [thereof].” To make up for this deficiency, the Examiner further asserted that the Hayashi patent “teaches a golf ball comprising thiophenols and specifically teaches halogenated (nonmetal) thiophenols.” Unstated in the Office Action was the tacit implication that it would have been obvious to have used Hayashi’s halogenated thiophenols as the pentachlorothiophenol constituent in Ohama’s composition.

Applicants respectfully disagree with the Examiner's assertion about the obviousness of using Hayashi's halogenated thiophenol as the pentachlorothiophenol constituent in Ohama's composition, but note that even if that were done, the resulting composition would *not* correspond to the composition defined in independent claims 1, 25, or 41.

Independent claims 1, 25, and 41 all call for a peptizer including "a non-metal salt of an organic sulfur compound." Hayashi's halogenated thiophenol is *not* such a non-metal *salt*. Merriam Webster's on-line dictionary (<http://m-w.com>) defines a salt as follows:

salt: 1.d. any of numerous compounds that result from replacement of part or all of the acid hydrogen of an acid by a metal or a group acting like a metal: an ionic crystalline compound.

Thus, a salt must contain both a positively charged component (i.e., a cation) and a negatively charged component (i.e., an anion). Hayashi's halogenated thiophenol is *not* an ionic compound and thus fails to meet this definition. Moreover, the Hayashi patent fails to suggest substituting an ionic thiophenol for the disclosed halogenated thiophenol.

For this reason, the § 103(a) rejection of independent claims 1, 25, and 41 is improper and should be withdrawn.

Claims 2-24, 48, and 50-52 all depend from independent claim 1, and claims 26-40, 53, and 55-57 all depend from independent claim 25. These dependent claims all add features that more particularly define the invention and thus further distinguish over the cited Ohama, Hayashi, and Sullivan references. These dependent claims, likewise, should be allowed.

New Claims 63 and 64

By this Amendment, Applicants have added new claims 63 and 64, which depend from amended dependent claims 51 and 56, respectively. These new dependent claims more particularly define the cross-linking agent to comprise the particular agent that has now been deleted from dependent claims 52 and 57, as discussed above.

New claims 63 and 64 both are properly allowable.

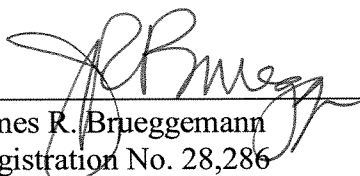
Conclusion

Thus, 51 claims are presented for reconsideration. This includes independent claim 1 and its dependent claims 2-24, 48, 50-52, and 63; independent claim 25 and its dependent claims 26-40, 53, 55-57, and 64; and independent claim 41. All of these claims should be in condition for allowance.

This application should now be in condition for a favorable action. Allowance of the application is respectfully requested. If the Examiner believes that a telephone conference with Applicants' undersigned attorney of record might expedite prosecution of the application, she is invited to call at the telephone number indicated below.

Respectfully submitted,

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